

TENTATIVE RULINGS

CIVIL/FAMILY LAW CASE MANAGEMENT CALENDAR

For: 05/20/15 Wednesday Dept. 4

(Posted 05/15/15)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling. When the tentative ruling is adopted without change, no further notice of the ruling will be provided by the court.

1. 1:30 PM Case: 12CV38597 [S] PONTE v COUNTY OF CALAVERAS
Type: BREACH OF WARRANTY Date Filed: 07/02/12
Priority Info: ON APPEAL
Event: TRIAL SETTING CONFERENCE; NO DISPOSITION AS TO PACHINGER & BROWN
05/29/15 9:00 2 DEFT/X-DEFT/X-C'S MOTION TO ENFORCE
SETTLEMENT PURSUANT TO CCP 664.6
06/12/15 9:00 2 DEFTS' MOTION FOR ORD REQUIRING PLTF TO
PROVIDE UNDERTAKING TO STAY ENFORCEMENT
OF JUDGMENT BY COUNTY OF CALAVERAS

PLF/XD: PONTE, DENNIS ATTY: FOLEY LAW OFFICES, KENNETH M.
D/XD/XC COUNTY OF CALAVERAS ATTY: CAULFIELD LAW FIRM
D/XD/XC THORNTON, ROSS ATTY: IN PRO PER
X-DEFT PACHINGER, ROBERT ATTY: CAULFIELD LAW FIRM
X-DEFT BROWN, JARED T. ATTY: CAULFIELD LAW FIRM

Tentative Ruling: After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 1:30 PM on 08/19/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

2. 1:30 PM Case: 14CF11383 [M] WILLOUGHBY v WILLIAMS
Type: PI-NON MOTOR VEHICLE Date Filed: 12/26/14
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: WILLOUGHBY, GEORGE #D-37160 ATTY: IN PRO PER
DEFNDT: WILLIAMS, MARY

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 1:30 PM on 10/21/15. Plaintiff shall provide notice of this ruling to the parties.

///

3. 1:30 PM Case: 14CV40045 [S] MIKLAS v JACKSON, ETAL
Type: DAMAGES-NON TORT Date Filed: 04/18/14
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: MIKILAS, KATHERINE ATTY: FOLEY LAW OFFICES, KENNETH M.
I/TRSTE JACKSON, HOWARD G. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
INT/PY: JACKSON FAMILY TRUST DATED 10/
I/TRSTE JACKSON, SALLY A. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
INT/PY: JACKSON FAMILY TRUST DATED 10/
DEFNDT: JACKSON FAMILY TRUST DATED 10/25/ ATTY: CHAVEZ-OCHOA LAW OFFICES INC.

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 4 at 1:30 PM on 09/23/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

4. 1:30 PM Case: 14CV40080 [S] WITTING v CROSS
Type: PI/PD MOTOR VEHICLE Date Filed: 05/06/14
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLNTFF: WITTING, MAXWELL ATTY: AIROLA LAW OFFICES
DEFNDT: CROSS, LIONEL JR ATTY: NEVIN WIESNER

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed. The matter is hereby ordered dismissed with prejudice. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

5. 1:30 PM Case: 14PR7549 [S] MATTER OF LUIS TRUST
Type: TRUST - INTERVIVOS Date Filed: 02/05/14
Event: TRIAL SETTING

PETNR: LUIS, JOHN ATTY: HUESTIS LAW OFFICE, SAMUEL M.
RESP: PIAZZA, RAYLENE ATTY: GRATHWOHL & RAUCH PC
RP/INT: LUIS TRUST, BEATRICE KATHLEEN

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 4 approximately 120 days out, and for Trial in Dept. 2 approximately 150 days out. The clerk's office shall provide a pre-trial order with dates and times. Estimated trial length: 1 day court trial.

///

6. 1:30 PM Case: 15CF11391 [M] IDS PROPERTY CASUALTY v KAPPMAYER
Type: PI UNINSURED MOTORIST Date Filed: 01/07/15
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: IDS PROPERTY CASUALTY INSURANCE C ATTY: MENDELSON LAW GROUP
DEFNDT: KAPPMAYER, CHRISTOPHER

Tentative Ruling: It appears defendant(s) has filed for bankruptcy protection. The bankruptcy petition front page with filing stamp is ordered filed with the court. The matter is continued for further Case Management in Dept. 4 at 1:30 PM on 12/16/15. Plaintiff shall provide notice of this ruling to the parties.

7. 2:00 PM Case: 11FL37711 [S] DAUSEND v DAUSEND
Type: DISSOLUTION W/O MINOR CHILDREN Date Filed: 06/22/11
Event: FURTHER CASE MANAGEMENT CONF-RE JUDGMENT

PETNR: DAUSEND, TONJA M. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
RESP: DAUSEND, MICHAEL W. ATTY: YANKOVSKY, KRISTINE ESQ

Tentative Ruling: This matter awaits entry of judgment (FL-180). The matter is continued for further Case Management. If judgment enters in the interim, the following date will be vacated, Dept. 4 at 2:00 PM on 09/23/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

8. 2:00 PM Case: 13FL39154 [S] OSBORN v OSBORN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/13/13
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: OSBORN, RYAN ATTY: IN PRO PER
RESP: OSBORN, RACHEL ATTY: SALAZAR, ANTHONY T. ESQ

Tentative Ruling: This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). Petitioner and Respondent are ordered to serve and file a preliminary declaration of disclosure (FL-141) prior to the next hearing. If no agreement is reached, Petitioner and Respondent are ordered to serve and file a final declaration of disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 2:00 PM on 12/16/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

///

9. 2:00 PM Case: 15FL40602 [S] ALTHOUSE v ALTHOUSE
Type: DISSOLUTION W/O MINOR CHILDREN Date Filed: 01/15/15
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: ALTHOUSE, DAVID ATTY: SPITZE, CHERIE ESQ
RESP: ALTHOUSE, REBECCA

Tentative Ruling: This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, the Default of the respondent has been entered. Petitioner must go to the clerk's filing window to schedule a "Default Prove-Up Hearing". Petitioner must attend that brief hearing and submit the Judgment (FL-180) and Notice of Judgment (FL-190). After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 2:00 PM on 12/16/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

10. 2:00 PM Case: 15FL40605 [S] PIPER v NICHOLSON
Type: NULLITY WITHOUT MINOR CHILDREN Date Filed: 01/16/15
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: PIPER, KIMBERLY ATTY: IN PRO PER
RESP: NICHOLSON, DONALD

Tentative Ruling: There is Proof of Service but no response (FL-120) or default (FL-165). Prior to the next CMC, unless a response is filed, petitioner must file a request for default or dismiss the action. The CMC is set for Dept. 4 at 2:00 PM on 10/21/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

11. 2:00 PM Case: 15FL40606 [S] WEATHERS v WEATHERS
Type: DISSOLUTION W/O MINOR CHILDREN Date Filed: 01/16/15
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: WEATHERS, RODNEY EUGENE ATTY: LAMPE & FROMSON
RESP: WEATHERS, LORI DUSE ATTY: IN PRO PER

Tentative Ruling: This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, Petitioner and Respondent are ordered to serve and file a preliminary declaration of disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 2:00 PM on 09/23/15. Petitioner shall provide notice of this ruling to the parties.

///

12. 2:30 PM Case: 11FL37404 [S] BURTON v BURTON
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/18/11
Event: CONT SETTLEMENT CONF - MOD OF C/V; C/S;
MEDICAL ENFORCEMENT; REIMBURSE UNCOVERED
DAVID SANDERS, COMMISSIONER

PETNR: BURTON, BRIANA ATTY: IN PRO PER
NKA: YELTON, BRIANA JANE
J/PRTY: COUNTY OF CALAVERAS ATTY: CENTRAL SIERRA CHILD SUPPORT
RESP: BURTON, DAN ATTY: IN PRO PER

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, must appear.

13. 2:30 PM Case: 14FL40309 [S] CIRELLO v CIRELLO
Type: DISSOLUTION W/O MINOR CHILDREN Date Filed: 08/26/14
Event: FURTHER CASE MANAGEMENT CONFERENCE
*MAY BE CHANGED TO MSC IF ALL DOD'S ARE
ON FILE - SPECIALLY SET AT 2:30*

PETNR: CIRELLO, TOM ATTY: TRIFILO, JOHN J. ESQ
RESP: CIRELLO, MARILYN ATTY: CHAVEZ-OCHOA LAW OFFICES INC.

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, must appear.

END OF CALENDAR